

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	36	OTHER	JUDGE NUMBER	JURY DEM.	YR.	DOCKET NUMBER
	YR.	NUMBER	MO.	DAY	YEAR												
1085/4	75-	0560	12	10	75	4	110	2	12					8509	D	75-	0560-B

PLAINTIFFS

DEFENDANTS

JACK McGHEE, SR. and
JACK McGHEE, JR., d/b/a
GRANDAD'S COUNTRY AND WESTERN
STORE

FIREMAN'S FUND INSURANCE
COMPANY, a corporation

CAUSE

Removal - diversity of citizenship. (Failure of def. to pay insurance claim.)

ATTORNEYS

Gary D. Madison
Suite 906
324 Main Mall
Tulsa, Oklahoma 74103

Michael P. Atkinson
Joseph A. Sharp
200 Franklin Building
Tulsa, Oklahoma 74103

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED
JS-5 1-1-76
JS-6 2-1-77

DATE	NR.	PROCEEDINGS
<u>1975</u>		
12-10	1.	Petition for removal, filed, from Dist. Ct. of Tulsa Co., Ok. ph
12-10	2.	Bond on Removal, filed. ph
12-10	3.	Notice of filing of petition and bond for removal, filed. ph
12-10	4.	Deft's <u>DEMAND FOR JURY TRIAL</u> , filed. ph
12-10	5.	Answer of deft., filed. ph
12-10	6.	Ack. of the Clerk of the Dist. Ct. of Tulsa Co., Ok, filed. ph
<u>1976</u>		
1-23	MO:	Parties are directed to hold PT conf. on or before 3-5-76 & file PT Order on or before 3-12-76. (AEB-J)ph cps by cert ml
3-12	7.	Joint request for Ext. of Time, filed. t 0-J (ord. apart of appl.)
3-15	--	Order, filed as part of appl., granting parties until 4-1-76 to file pretrial order. (AEB-J)v -cps. mld.
4-16	8.	Joint request for ext. of time til 5-1-76 to file PT Order, filed. k o
4-19	MO:	The Court has for consideration the joint request for extension of time to file pre-trial order, and being fully advised in the premises, IT IS ORDERED that said request be & the same is hereby granted and the parties are granted an extension of time until 5-1-76, to file pre-trial order. (AEB-J)b ltr mld
5-11	9	Proposed Pre-Trial Order, filed. t
6-4		Deposition of Jack Elwood McGhee, Jr., taken on behalf of deft. before James C. Hickerson, C.S.R., with fees of \$43.50, filed. k
6-4		Deposition of Jack E. McGhee, Sr., taken on behalf of deft. before James C. Hickerson, C.S.R., with fees of \$118.50, filed. k
6-17	MO	Case set for disposition on 7-12-76, 11:00 a.m. for failure of deft. to file proposed P/T order due 5-1-76. (AEB-J)b ntc by cert ml
7-12		Case called for disposition for failure of Deft. to file proposed P/T order. Deft. present. Pltf. not represented. Deft. to file P/T order w/in 3 days. (AEB-J)b
7-16	10	Deft's proposed pre-trial order, filed. s
7-23	MO	Case set for jury trial on 9-7-76, at 9:30 A.M. (AEB-J)b nts by cert ml
9-2	11	Deft's request for continuance of jury assignment, filed. k o to j
9-3	12	Order, filed, that case is stricken from present jury assignment, to be reset on next jury assignment. (AEB-J)s notified by phone & cps. mld.
9-13	MO	Case set for jury trial on 10-18-76 at 9:30 a.m. (AEB-J)k ntc by cert ml
10-8		Subpoena, ret. & filed: served Bob Bednar 10-7-76. (USM \$3.48)g
10-14	MO	Case stricken from jury docket of 10-18-76, to be set on Nov. docket. (AEB-J)b nts by phone
10-26	MO	Case set for Jury trial on 11-29-76, at 9:30 a.m. (AEB-J) nts by cert. m. w/affid.s
10-27	13	Deft's notice to take deposition of Cayce Ellard on 11-2-76 at Tulsa, OK, filed. k
11-5	14	Notice to take deposition of Cayce Ellard 11-11-76 at 1:30 p.m. Tulsa, Okla., filed. s
11-5	15.	Deft's application for transfer to U.S. Mag. for the purpose of taking witness's deposition, filed, w/order as part of app.s 0 to J
11-8		Order, as part of appl., filed, transferring case to Mag. Bradford for purpose of presiding over deposition on 11-11-76 at 1:30 pm (AEB-J)k

PLAINTIFF	DEFENDANT	DOCKET NO. _____
Jack McGhee	Fireman's Fund	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1976		
11-16	16	Return of U.S. Marshal's service on Subpoena w/fees of \$31.68, filed. Unable to serve Cayce Ellard.s (returned per request of atty. Atkinson.)
11-23	17.	Pltfs' application for continuance from the jury docket of 11-29-76, filed.s O to J
11-24	18.	Order, filed, striking case from jury trial docket set for 11-29-76.s (AEB-J) Ntc. by phone & cps. mld.
12-6	MO:	Case set for jury trial on 1-10-77, at 9:30 A.M. (AEB-J)b nts by cert ml w/affid.
12-21	19.	Deft's notice to take deposition of Cayce Ellard on 12-30-76 at 9:00 a.m., Tulsa, filed.s
12-28		Sub. ret. & filed: serve Cayce Ellard 12-24-76. (USM \$18.56)g
12-30	20	Deft's application for order compelling witness's testimony w/order as part of application, filed.s
12-30		Order, filed, that the Witness, Cayce Ellard, is ordered to ans. any and all questions propounded to him in his deposition scheduled on 12-30-76 or any continuance thereof.s (AEB-J) cps. mld.
1977		
1-11	MO:	Due to weather conditions case is passed to 1-12-77, 9:30 A.M. (AEB-J)b nts by phone
1-12	21.	Deft's requested voir dire, filed.s
1-12	22.	Def. list of witnesses, filed. rm
1-12	23.	Def. requested instructions, filed. rm
1-12	24.	Pltf. requested voir dire, filed. rm
1-12	25.	Pltf. list of witnesses, filed. rm
1-12	26.	Pltf. requested instructions, filed. rm
1-12		Case called for jury trial. Parties present & rep. Jury selected & to report back on 1-17-77, 10:00 A.M. (AEB-J)b
1-13	27.	Deft's requested instruction No. 6, filed.s
1-13	--	Return on U.S. Marshal's Service, Subpoena, fld. Served Bob Kurowski by serving Ivan Orndorff in Tulsa, OK, on 1-7-77 w/fees of \$2.00. Served H. P. Davis by serving Orndorff in Tulsa, OK, on 1-7-77 w/fees of \$2.00. Unable to serve Cayce Ellard in Bixby, OK, w/fees of \$5.52, dates of endeavor being 1-7 & 1-10-77. v (TOTAL FEES: \$9.52)
1-14		Deposition of Cayce Ellard, taken on behalf of Deft. before Sid Bumgardner, C.S.R. w/fees of \$ 39.00, filed. b
1-14		Deposition of Cayce Ellard, taken on behalf of Deft. before Sid Bumgardner, C.S.R. w/fees of \$198.00, filed. b
1-17		Jury sworn. Case called for jury trial. Jury previously selected. Parties present. Pltf. moves for continuance of trial & files motion in open court. Deft. moves for dismissal. Ct. denies continuance & dismisses case w/prejudice for lack of prosecution & taxes costs to pltf. for jury. If costs paid w/in 30 days from this date Ct. will consider dismissal without prejudice. Pltf. to prepare Order. Jury excused. (AEB-J)b
1-17	28	Pltf's motion for continuance of trial, filed in open court. b <i>denied</i>

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
1977		

1-26

NR.

PROCEEDINGS

29. Order, filed & entered, that the above cause is dismissed with prejudice, with the costs attendant empaneling the jury being taxed against the pltfs; furthermore, it is ordered that if the pltfs. pay the costs as taxed above within 30 days from this date the Court upon application, will consider modifying the foregoing order to reflect dismissal without prejudice.s (AEB-J) cps. mld.